

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
KATRON CHAVIS,

Plaintiff,

v.

YELENA KOROBKOVA and EDWIN UZU,  
Defendants.  
-----X**ORDER OF DISMISSAL**

19 CV 83 (VB)

Plaintiff, proceeding pro se and in forma pauperis, commenced this action by filing a complaint dated December 26, 2018. (Doc. #1). As of that date, plaintiff was incarcerated at Green Haven Correctional Facility. (See id.). However, on July 9, 2019, plaintiff notified the Court that he had been transferred to Upstate Correctional Facility. (Doc. #29).

On March 13, 2020, the Court issued an Opinion and Order granting defendants' motion to dismiss and granting plaintiff leave to file an amended complaint **by May 13, 2020** as to his claim for deliberate indifference to serious medical needs against defendants Dr. Yelena Korobkova and Dr. Edwin Uzu only, in accordance with the instructions within the Opinion and Order. (Doc. #33). Chambers mailed a copy of the Opinion and Order, as well as the unpublished decisions cited within and an amended complaint form, to plaintiff at the address on the docket, which was listed as:

Katron Chavis  
DIN No: 16-B-0460  
Upstate C.F.  
P.O. Box 2001  
Malone, NY 12953

On July 15, 2020, the Court extended plaintiff's time to file his amended complaint to September 14, 2020 because plaintiff had not filed an amended complaint or sought an extension of time in which to do so. (Doc. #34). The Court informed plaintiff in bold typeface that if plaintiff failed to file an amended complaint or seek additional time to do so by September 14, 2020, the Court would deem plaintiff to have abandoned this case, would direct the Clerk to enter judgment in defendants' favor, and close the case. (Id.).

Furthermore, the Court noted the New York State Department of Corrections and Community Supervision inmate look-up indicated plaintiff was then incarcerated at Great Meadow Correctional Facility. (Doc. #34). Plaintiff had not filed a change of address to indicate his new address. Accordingly, the Court directed the clerk to update plaintiff's address on the docket to the following:

Katron Chavis  
DIN No. 16-B-0460  
Great Meadow Correctional Facility

P.O. Box 51  
Comstock, NY 12821-0051

The Court further reminded plaintiff of his responsibility to notify the Court in writing if his address changed and warned the Court may dismiss the action if plaintiff failed again to notify the Court of a change of address. (Id.).

The Court mailed a copy of the July 15, 2020, Order (Doc. #34), the March 13, 2020, Opinion and Order (Doc. #33), along with unpublished decisions and amended complaint form, to plaintiff at Great Meadow Correctional Facility.

To date, plaintiff has not filed an amended complaint or sought an extension to file an amended complaint. Moreover, the New York State Department of Corrections and Community Supervision inmate look-up still indicates plaintiff is incarcerated at Great Meadow Correctional Facility. The Court has not received any return mail or other indication that plaintiff has not received its July 15, 2020, Order and attachments.

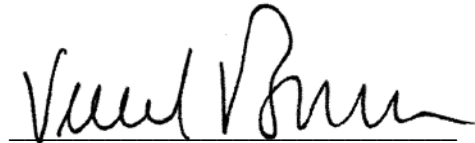
As a result, the Court concludes plaintiff has abandoned this case. Accordingly, having considered all of the factors set forth in Lucas v. Miles, 84 F.3d 532 (2d Cir. 1996), the Court dismisses this case with prejudice for failure to prosecute and failure to comply with Court orders. Fed. R. Civ. P. 41(b).

Chambers will mail a copy of this Order to plaintiff at the address listed on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Dated: September 17, 2020  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge